

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEBRASKA

ANTONIO SWIFT,)	
)	
Plaintiff,)	8:15CV337
)	
v.)	
)	
CHARLES WEST, Warden, OMAHA)	MEMORANDUM AND ORDER
CORRECTIONAL CENTER, and)	
NEBRASKA DEPT OF CORRECTIONS,)	
)	
Defendants.)	
)	

This matter is before the Court on its own motion.

Plaintiff filed a complaint (Filing No. [1](#)) on September 14, 2015. However, plaintiff failed to include the \$400.00 filing and administrative fees. Plaintiff has the choice of either submitting the \$400.00 filing and administrative fees to the clerk's office or submitting a request to proceed in forma pauperis.¹ Failure to take either action within 30 days will result in the Court dismissing this case without further notice to plaintiff.

¹ Plaintiff included in his complaint a request to proceed in forma pauperis. (Filing No. [1 at CM/ECF p. 2](#).) However, his request does not comply with the terms of 28 U.S.C. § 1915, the statute authorizing proceedings in forma pauperis. See [28 U.S.C. § 1915\(a\)\(1\)](#) (requiring the plaintiff to submit an affidavit that includes a statement of all assets such prisoner possesses that the person is unable to pay such fees or give security therefor").

If plaintiff is granted leave to proceed in forma pauperis ("IFP") in this matter, he will be allowed to pay the Court's \$350 filing fee in installments. See [28 U.S.C. § 1915\(b\)\(1\); In re Tyler, 110 F.3d 528, 529-30 \(8th Cir. 1997\)](#). He would not be subject to the \$50.00 administrative fee assessed to non-IFP plaintiffs.

IT IS THEREFORE ORDERED:

1. Plaintiff is directed to submit the \$400.00 fees to the clerk's office or submit a request to proceed in forma pauperis within 30 days. Failure to take either action will result in dismissal of this matter without further notice.

2. The clerk of the court is directed to send to plaintiff the Form AO240 ("Application to Proceed Without Prepayment of Fees and Affidavit"), and also term the motion event appearing at Filing Number 1, Part 2 of 2.

3. The clerk of the court is directed to set a pro se case management deadline in this matter with the following text:
October 19, 2015: Check for MIFP or payment.

DATED this 17th day of September, 2015.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court